

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

SANDRA FOY JOHNSON,)	
)	
Plaintiff,)	
)	Civil Action File
vs.)	No. 4:16-cv-00256-WTM-GRS
)	
CORIZON HEALTH, INC., a Tennessee)	
Corporation , CORIZON, LLC, a)	
Missouri limited liability company;)	
JOHN WILCHER in his capacity as)	
CHATHAM COUNTY SHERIFF;)	
CLAYTON M. RAMSU, M.D.; and)	
JOSEPH G. MOYSE, M.D.)	
)	
Defendants.)	

DEFENDANTS' JOINT RESPONSE IN OPPOSITION TO PLAINTIFFS'
MOTION FOR RECONSIDERATION

Defendants Corizon Health, Inc., Clayton M. Ramsue, M.D. (wrongfully identified as "Clayton M. Ramsu, M.D."), Sheriff John T. Wilcher, and Joseph G. Moyse, M.D. hereby submit this Joint Response in Opposition to Plaintiffs' Motion for Reconsideration [Doc. 43] as follows:

Plaintiffs move the Court to reconsider its denial of their motion to extend discovery on the principal grounds that former counsel failed to pursue discovery diligently. However, according to the motion to withdraw as counsel filed by Mr. Claiborne, their former attorney [Doc. 30], Plaintiffs were aware as of May 12, 2017 that he intended to withdraw as their counsel. In that motion, Mr. Claiborne

certified that he gave Plaintiffs notice of the impending deadlines and represented that Plaintiffs “picked up a complete copy of [the] entire file” on May 18, 2017. [Doc. 30 at p. 1]. In their Motion for Reconsideration, Plaintiffs do not address any of these allegations. [Doc. 43].

Similarly, in their Motion for Reconsideration, Plaintiffs do not explain what they were doing between May 18, 2017 and July 24, 2017, the date they filed their Motion to Extend Discovery. [Doc. 39]. Notably, Defendants subpoenaed six witnesses for depositions for July 7 and 8, 2017, serving or attempting to serve them at addresses provided by Plaintiffs (Sandra Foy Johnson, Rochon Gordon, Sylathia Durham, Katrina Bradley, Marva Allen, Dr. Roel Laygo). Two days before the scheduled depositions, new counsel called and asked that the depositions be postponed so that he could obtain the file and get up to speed. All counsel agreed.

On July 17, 2017, Defendants reached out to Plaintiffs’ new counsel to reschedule the depositions. A copy of a letter and related email exchange are attached as Exhibit A. Defendants then noticed and completed the deposition of Plaintiff on July 26, 2017 and attempted to reschedule the other canceled depositions. Defendants also identified their experts and served their expert reports. Plaintiffs, on the other hand, did not ask to schedule any depositions.

Since May 18, 2017, Plaintiffs have not made any attempt to actually conduct discovery. Moreover, Plaintiffs have not supplemented their discovery to provide a current address for a key witness, Plaintiff Sandra Foy Johnson's daughter, so that she could be subpoenaed to complete discovery. In short, Plaintiffs have not presented *any* good cause. Rather, Plaintiffs seems to be content to blame their former attorney, but almost ninety (90) days have passed since they were notified of his intent to withdraw and ostensibly "picked up a complete copy of [the] entire file." [Doc. 30 at p. 1]. Because Plaintiffs have not demonstrated even an attempt to move the case forward, much less towards resolution, Defendants respectfully request the Court deny Plaintiffs' motion for reconsideration. See Ashmore v. Sec'y, Dep't of Transp., 503 F. App'x 683, 686 (11th Cir. 2013) (denial of motion to extend discovery appropriate where plaintiff filed his motion only one day before close of the discovery and had not propounded any discovery).

CONCLUSION

Defendants respectfully request that the Court deny Plaintiffs' Motion for Reconsideration.

This 16th day of August, 2017.

[SIGNATURES ON NEXT PAGE]

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Attorneys for Joseph G. Moyse, M.D.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the within and foregoing pleading upon all parties to this matter by the CM/ECF system:

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This 16th day of August, 2017.

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REPLY TO ATLANTA OFFICE

July 18, 2017

VIA EMAIL (hjesavh@aol.com)
AND U.S. MAIL

Harold J. Cronk
49 Park of Commerce Way
Suite 101
Savannah, GA 31405

Re: Sandra Foy Johnson, et al. v. Corizon Health, Inc., et al.
U. S. District Court, Southern District of Georgia
Civil Action No. 4:16-cv-00256-WTM-GRS
Our File No. 4445-51947

Dear Harold:

I hope this letter finds you doing well.

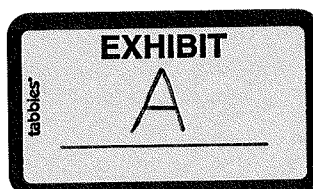
Following up on my emails to you recently regarding the depositions that were postponed in this matter, we would like to get on record with rescheduling the depositions on either Monday, July 24; Wednesday, July 26; or Thursday, July 27. Please advise as soon as possible the times and locations for the depositions. We look forward to hearing from you.

Very truly yours,

ERIC J. FRISCH

EJF/jm

cc: Ben Perkins
Brynda Insley



Frisch, Eric J.

From: Ben Perkins <bperkins@olivermaner.com>
Sent: Tuesday, July 18, 2017 3:50 PM
To: Frisch, Eric J.; 'hjcsavh@aol.com'
Cc: 'Brynda Insley'; Schmidt, Katherine M.
Subject: RE: Johnson, Donald, v. CCSO, et al.

I am following up on the below email. We have 10 days to complete discovery. Depositions were taken off the calendar at the request of Plaintiff's new counsel, and I was fine with that. But now we are in a tight spot.
Thanks,

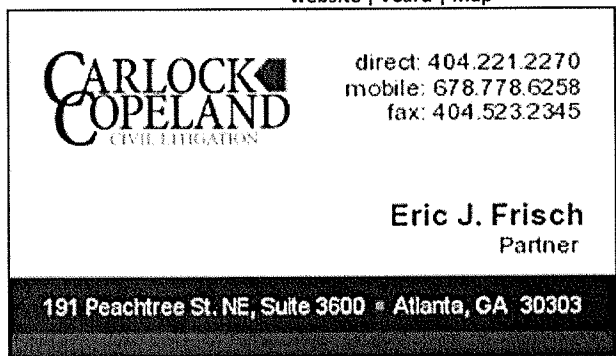
Ben Perkins, Esq.
Oliver Maner LLP
912-238-2515 (direct dial)

From: Frisch, Eric J. [mailto:efrisch@carlockcopeland.com]
Sent: Monday, July 17, 2017 12:56 PM
To: 'hjcsavh@aol.com'
Cc: Ben Perkins ; 'Brynda Insley' ; Schmidt, Katherine M.
Subject: Johnson, Donald, v. CCSO, et al.

Good afternoon. I hope you are well.

We would like to reschedule the depositions that were postponed. My understanding is that fact witness discovery closes on Friday, July 28, which does not give us a lot of time to reschedule these. I am available on Monday, July 24, Wednesday, July 26, and Thursday, July 27 (although I have a conference call I have to take at noon). Please advise of the times and locations and we will take care of the notices, subpoenas, and court reporter. Thank you.

[website](#) | [vCard](#) | [map](#)



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Administrative Assistant: Katie Schmidt - 404-526-0366



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